

Nov 21, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN RAYA-GUTIERREZ, also
known as Juan R. Gutierrez, also
known as Juan G. Raya; MARIA
ELENA RAYA AGUIRRE, also
known as Maria Elena Raya, also
known as Maria Aguirre, also known
as Maria Raya; STATE OF
WASHINGTON DEPARTMENT OF
SOCIAL AND HEALTH SERVICES;
CAPITAL ONE BANK (USA) NA;
CAVALRY SPV I, LLC; ARMANDO
RAYA; JUAN RAYA, JR.;
ELIZABETH RAYA; and JUAN
GEORGE RAYA,

Defendants.

NO: 1:16-CV-3198-RMP

ORDER GRANTING MOTION FOR
DEFAULT JUDGMENT

BEFORE THE COURT is the United States' Application for Judgment and
Decree of Foreclosure. ECF No. 27. The Defendants Juan Raya-Gutierrez and
Maria Elena Raya-Aguirre Stanley stipulated to the entry of judgment, ECF No.

1 19-1, and on September 7, 2018, the Clerk of Court entered an order of default
2 against Defendants State of Washington, Department of Social and Health
3 Services; Capital One Bank (USA) N.A.; Cavalry SPV I, LLC; Juan Raya, Jr.;
4 Elizabeth Raya; Juan George Raya; and Midland Funding, LLC. ECF No. 26.

5 Accordingly, having reviewed the record in this matter, **IT IS ORDERED,**
6 **ADJUDGED,** and **DECREED** as follows:

- 7 1. Plaintiff is awarded judgment against Defendants Juan Raya-Gutierrez and
8 Maria Elena Raya-Aguirre (“Defendants”) in the amount of \$180,710.58;
9 plus interest to accrue at the rate of \$17.0071 per day from and after
10 September 18, 2018, to the date of judgment; plus interest from the date of
11 judgment at the rate set forth in 28 U.S.C. § 1961.
- 12 2. The debt upon which this judgment is based is secured and perfected by the
13 following:
 - 14 a. A mortgage recorded November 8, 2002, under Auditor's File No.
15 2002-043711, Official Records of Benton County, Washington.
 - 16 b. A mortgage recorded March 2, 2004, under Auditor's File No. 2004-
17 006862, Official Records of Benton County, Washington.
 - 18 c. A mortgage recorded September 28, 2004, under Auditor's File No.
19 2004-034522, Official Records of Benton County, Washington.
 - 20 d. A mortgage recorded April 21, 2005, under Auditor's File No. 2005-
21 012535, Official Records of Benton County, Washington.

1 e. A mortgage recorded April 12, 2006, under Auditor's File No. 2006-
2 011491, Official Records of Benton County, Washington.

3 f. A mortgage recorded May 14, 2007, under Auditor's File No. 2007-
4 015042, Official Records of Benton County, Washington.

- 5 3. The foregoing mortgages cover the following described real property
6 situated in Benton County, State of Washington, *see* ECF No. 11-1 at 7, 17,
7 28, 37, 56 and 75, with the following legal description:

8 Sec 31, T9, R24, Lots 2 and 3, Short Plat No. 2661, as recorded under
9 Auditor's File No. 2002-031467, Records of Benton County,
Washington.

10 Situated in Benton County, State of Washington
Assessor's Parcel Numbers: 131944012661002 & 131944012661003

- 11 4. The real estate mortgages described in paragraph 2 above, which constitute
12 first and prior liens upon the real property described above, are hereby
13 foreclosed. Defendants and all persons claiming by, through or under them
14 are forever barred and foreclosed from asserting any right, title, or interest in
15 and to said property, except for the statutory rights of redemption, if any,
16 provided by law.

- 17 5. After the ten-day automatic stay of proceedings to enforce a judgment,
18 Plaintiff may present a motion for an order of sale. *See* Fed. R. Civ. P. 62(a)
19 & (f) (noting 14-day stay unless otherwise under state law for a judgment on
20 a lien); Wash. CR 62(a) (Washington Superior Court Civil Rule providing
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1 for ten-day stay); *see also* 18 Wash. Prac., Real Estate § 19.12 (2d ed.)
2 (describing the enforcement process).

3 The District Court Clerk is directed to enter this Order and provide copies to
4 counsel.

5 **DATED** this November 21, 2018.

6 *s/ Rosanna Malouf Peterson*
7 ROSANNA MALOUF PETERSON
8 United States District Judge
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